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Attorneys for Plaintiff/Counterclaim Defendant Instructure, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

INSTRUCTURE, INC., a Delaware
corporation,

Plaintiff/Counterclaim-Defendant,

vs.

CANVAS TECHNOLOGIES, INC., a
Delaware corporation,

Defendant/Counterclaim-Plaintiff.

**DECLARATION OF MARK MILLER
IN SUPPORT OF PLAINTIFF’S
MOTION FOR AN ORDER TO SHOW
CAUSE WHY DEFENDANT SHOULD
NOT BE HELD IN CONTEMPT OF
THE COURT’S PRELIMINARY
INJUNCTION**

Civil No. 2:21-cv-00454-DAK-CMR

Judge Dale A. Kimball

Magistrate Judge Cecilia M. Romero

I, MARK MILLER, declare as follows:

1. I am an attorney with the law firm of Dorsey & Whitney LLP, counsel to Plaintiff Instructure, Inc. (“Instructure”) in the above captioned case. I submit this Declaration in support of Plaintiff’s Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt

of the Court's Preliminary Injunction. I am fully familiar with the facts set forth in this Declaration from personal knowledge or from documents that I have reviewed. If called as a witness I could and would testify competently under oath to the facts contained herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Emergency Motion to Stay Entry of Preliminary Injunction Pending Appeal that Defendant filed in the Tenth Circuit on January 20, 2022.

3. On January 24, 2022, I typed www.canvas.com in the address bar of my internet browser, viewed the content of the resulting website, and clicked the "for candidates" menu option at the top of the website. Attached hereto as **Exhibit B** is a true and correct copy of the printout I made of the canvas.com/candidates page on Defendant's website.

4. On January 24, 2022, I typed www.canvas.com in the address bar of my internet browser and viewed the content of the resulting website. Attached hereto as **Exhibit C** is a true and correct copy of the printout I made of the canvas.com website.

5. On January 24, 2022, I read a news article on the internet published by Domain Name Wire entitled "Canvas is still using canvas.com after court deadline passes." Attached hereto as **Exhibit D** is a true and correct copy of this news article.

6. On January 24, 2022, I communicated via email with Defendant's counsel regarding Defendant's contempt. Attached hereto as **Exhibit E** is a true and correct copy of this correspondence.

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DATED this 24th day of January, 2022.

DORSEY & WHITNEY LLP

/s/ Mark Miller

Mark Miller (#9563)

Brett Foster (#6089)

Mike Keyes (*admitted pro hac vice*)

Tamara L. Kapaloski (#13471)

*Attorneys for Plaintiff/Counterclaim-Defendant
Instructure, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January, 2022, a true and correct copy of the foregoing document was served on counsel of record via the Court's ECF system.

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/s/ Mark Miller